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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,268	06/01/2005	Pia Baum	272481US0PCT	1119
22850	7590	06/29/2007		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER NGUYEN, KHANH TUAN	
			ART UNIT 1751	PAPER NUMBER
			NOTIFICATION DATE 06/29/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/537,268	Applicant(s) BAUM ET AL.	
	Examiner Khanh T. Nguyen	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 20-24, 26, 30-37 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25,27-29 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment/Remarks

1. The amendment/remarks filed on 04/12/2007 is entered and acknowledged by the Examiner. Claims 20-39 are currently pending in the instant application. Claims 1-19 have been canceled.

Applicant's arguments with respect to claims 20-39 have been considered but are moot in view of the new ground(s) of rejection.

Election/Restrictions

2. Newly submitted claims 20-39 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- I. Claims 20-23, directed towards a method of textile dyeing and printing.
- II. Claim 24, directed towards a method for stripping off-shade dyeings from textile materials which a polymeric grafting base A contains no monethylenically unsaturated units and side chains B account for 35 wt. % fraction of said graft polymer.
- III. Claim 26, directed towards a method of leveling the dyeing of textile which a polymeric grafting base A contains no monethylenically unsaturated units and side chains B account for 35 wt. % fraction of said graft polymer.

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- IV. Claims 30-36, directed towards a method for aftercleaning dyed or printed textile which treat a dyed textile with an aftercleaning agent in order to remove dye from a textile having been dyed and to remove unfixed dye from the dyed textile.
- V. Claim 37, directed towards a dyeing or printing auxiliary combination.
- VI. Claim 39, directed towards an aftersoaping agent comprising a copolymer derived from at least 2 monoethylenically unsaturated monomers B1 and B2 each of which contains at least one nitrogenous heterocycle in an aqueous liquor containing salts, phosphorus compounds and nonionic surfactants.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 20-24, 26, 30-37, and 39 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

- 3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25 and 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 recites "A method". The preamble word "method" is not clear what said method is referring to because no active step is disclosed. It is not clear the benefit of a stripping agent composition in the process claim.

Claims 27-29 recites "A method". The preamble word "method" is not clear what said method is referring to because no active step is disclosed. It is not clear the benefit of a leveling agent composition in the process claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 25 is rejected under 35 U.S.C. 102(b) as being unpatentable over either Walles et al. (U.S. Pat. 3,097,048 hereinafter, "Walles-048") in view of Walles et al. (U.S. Pat. 2,919,279 hereinafter, "Walles-279").

Regarding claim 25, Walles-048 discloses stripping of dyestuffs from textile fibers (Col. 1, lines 16-22). Walles also discloses the dye-stripping compositions comprising aqueous solutions of poly-N-vinyl-5-methyl-2-oxazolidinone (i.e., PVO-M) (Col. 1, lines

11-15). However, Walles does not explicitly disclose the graft POV-M contains units derived from at least 2 monethylenically unsaturated monomers B1 and B2 each of which contains at least one nitrogen heterocycle.

Walles-279 discloses N-vinyl-X-alkyl-2-oxazolidinone compounds which contains monethylenically unsaturated monomeric substances (Col. 1, lines 17-20). The prior art also discloses the symbol "X" is intended to indicate at least a single ring substituent on at least a single position, randomly identified, on the cyclic, substituted nucleus (Col. 2, lines 34-37). The monoethylenically unsaturated monomer such as N-vinylpyrrolidone is readable for being a cyclic nitrogenous vinyl monomer. The reference specifically or inherently meets each of the claimed limitations. The reference is anticipated.

6. Claims 27, 28, and 29 are rejected under 35 U.S.C. 102(b) as being unpatentable over either Wales et al. (U.S. Pat. 3,097,046 hereinafter, (Wales-046") in view of Walles et al. (U.S. Pat. 2,919,279 hereinafter, "Walles-279").

Regarding claims 27 and 28, Walles-046 discloses level dyeing of textile articles produced by incorporating poly-N-vinyl-5-methyl-2-oxazolidinone (i.e., PVO-M) in the dye bath (Col. 1, lines 11-15). However, Walles does not explicitly disclose the graft POV-M contains units derived from at least 2 monethylenically unsaturated monomers B1 and B2 each of which contains at least one nitrogen heterocycle.

Walles-279 discloses N-vinyl-X-alkyl-2-oxazolidinone compounds which contains monethylenically unsaturated monomeric substances (Col. 1, lines 17-20). The prior art also discloses the symbol "X" is intended to indicate at least a single ring substituent on

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at least a single position, randomly identified, on the cyclic, substituted nucleus (Col. 2, lines 34-37). The monoethylenically unsaturated monomer such as N-vinylpyrrolidone is readable for being a cyclic nitrogenous vinyl monomer. The reference specifically or inherently meets each of the claimed limitations. The reference is anticipated.

Regarding claim 29, Walles-046 further discloses the quantities of PVO-M (i.e., dye leveling agent) in the acid dye bath ranging from 0.1 up to 50 or more percent based on the weight of the fiber. Generally, it is desirable to use as little as possible of the PVO-M in order to avoid or minimize any losses of dyestuff that might tend to become permanently entrapped in the PVO-M (Col 2, lines 48-56).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

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3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Walles et al. (U.S. Pat. 3,097,048 hereinafter, "Walles-048") in view of Walles et al. (U.S. Pat. 2,919,279 hereinafter, "Walles-279").

Walles-048 and Walles-279 are relied upon set forth above. With respect to claim 38, Walles-046 discloses level dyeing and stripping agent comprising of poly-N-vinyl-5-methyl-2-oxazolidinone (i.e., PVO-M) (Col. 1, lines 11-15 and Col. 2, lines 60-61). Walles-046 also discloses other agents (i.e., glycol ethers, alkyl diphenyl ether sulfonates, and dioctyl sulfosuccinate) may be added to the dye bath to assist in efficiently emulsifying or solvating the PVO-M (Col. 2, lines 57-59). However, Walles-048 and Walles-279 does not explicitly disclose a combination of emulsifiers (i.e., dispersant), solvating agents (i.e., reducing agent) and a protective colloid.

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It would have been obvious to one of ordinary skill in the art to have optimize the formulation, through routine experiment, by adding a combination of emulsifiers, a solvating agents and a protective colloid, in order to improve leveling and stripping efficiency. The leveling and stripping agent composition containing emulsifiers and solvating agents are expressly suggested by Walles-048 in view of Walles-279 and therefore is an obvious formulation.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh T. Nguyen whose telephone number is (571) 272-8082. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



KTN
06/08/2007


LORNA M. DOUYON
PATENT EXAMINER